

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRADLEY ARFT)	
)	Case Number
Plaintiff)	
)	
vs.)	CIVIL COMPLAINT
)	
GLOBAL CREDIT & COLLECTION CORPORATION)	JURY TRIAL DEMANDED
)	
Defendant)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Bradley Arft, by and through his undersigned counsel, Bruce K. Warren, Esquire and Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Bradley Arft (hereinafter "Plaintiff"), is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this district is proper in that Defendant transacts business here and maintains a registered office in this district.

III. PARTIES

4. Plaintiff, Bradley Arft, is an adult natural person residing at N 1881 Liberty lane, Appleton, WI 54915. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, Global Credit & Collection Corporation, at all times relevant hereto, is and was a business entity who regularly collects debt in the State of Wisconsin and the Commonwealth of Pennsylvania, with a primary office located at 300 International Drive, Suite 100, Buffalo, NY 14221-5783 and a registered office located at 820 Bear Tavern Road, Trenton, NJ 08628-1021.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. At all times pertinent hereto, Defendant was hired by Capital One to collect a debt relating to consumer credit card purchases.

8. Since Defendant began their initial contact in early October 2010, they continually contacted Plaintiff in an attempt to coerce payment of the debt, with the intention to annoy, abuse and harass such persons contacted. Defendant's contact of Plaintiff, at times, would total four (4) times in one day.

9. Plaintiff has received calls from "Mr. Stewart" who claims to be a "senior litigation specialist" calling from Defendant's "pre-litigation department."

10. "Mr. Stewart" routinely demands payments of over \$500.00 monthly for a debt that totals roughly \$2,000.00.

11. Plaintiff consistently tells "Mr. Stewart" that he cannot afford payments of over \$500.00 per month, and on one occasion Plaintiff was told if a payment was made then Plaintiff's file "will just go to court" and Defendant will "get a judgment" that will appear on Plaintiff's credit

12. Plaintiff was also told that if a judgment is entered against him, his employer would be notified.

13. The Defendant acted in a false, deceptive, misleading and unfair manner by threatening to take action that it did not intend to take for the purpose of coercing Plaintiff to pay the debt.

14. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and

their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

15. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting within the scope and course of their employment and under the direct supervision and control of Defendant herein.

16. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

COUNT I – FDCPA

17. The above paragraphs are hereby incorporated herein by reference.

18. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by the Plaintiff for personal, family or household purposes and is a "debt" as defined by 15 U.S.C. § 1692a(5).

19. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of 15 U.S.C. § 1692:

§ 1692d: Any conduct the natural consequence of which is to harass, oppress or abuse any person

§ 1692d(2): Profane language or other abusive language

§ 1692d(5): Caused the phone to ring or engaged any person in telephone conversations repeatedly

§ 1692e: Any other false, deceptive or misleading representation or means in connection with the debt collection

§ 1692e(2): Character, amount, or legal status of the alleged debt

§ 1692e(5): Threaten to take any action that cannot legally be taken or that is not intended to be taken

§ 1692e(8): Threatens or communicates false credit information, including the failure to communicate that a debt is disputed

§ 1692e(10): Any false representation or deceptive means to collect a debt or obtain information about a consumer

§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in his favor and against Global Credit & Collection Corporation for the following:

- a. Actual damages;
 - b. Statutory damages pursuant to 15 U.S.C. §1692k;
 - c. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
- and
- d. Such addition and further relief as may be appropriate or that the interests of justice require.

V. **JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: October 22, 2010

BY: /s/ Bruce K. Warren

Bruce K. Warren, Esquire

BY: /s/ Brent F. Vullings

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